

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

TARA FARRELL, et al.,

Plaintiffs,

v.

NEW MILLENNIUM CONCEPTS, LTD.,

Defendant.

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C.A. No. 3:22-cv-00728-M

**DEFENDANT’S UNOPPOSED MOTION FOR
AN EXTENSION OF TIME TO RESPOND TO THE COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 6(b)(1)(A), Defendant files this Unopposed Motion for an Extension of Time to Respond to the Complaint.

On March 30, 2023, the Court issued an Order granting in part and denying in part Defendant’s motion to dismiss the Complaint for failure to state a claim. *See* Dkt. 59. In relevant part, the Court dismissed Plaintiffs’ punitive damages claims for unjust enrichment without leave to amend and for all other causes of action with leave to amend. *Id.* at 2-3. The Court stated it would dismiss the remaining punitive damages claims with prejudice unless Plaintiffs amended the Complaint by April 20, 2023 to adequately plead a basis for them. *Id.* at 3. Plaintiffs did not amend, and Defendant’s deadline to answer the Complaint is May 4, 2023. Fed. R. Civ. P. 15(a)(3).

Defendant requests a 14-day extension of time to answer the Complaint, or until May 18, 2023. Good cause exists for this requested extension. The putative class action Complaint is 82 pages long, contains 9 exhibits, and seeks to bring claims on behalf of a nationwide class for declaratory, injunctive, and monetary relief, as well as attorneys’ fees and costs and civil penalties. The three named Plaintiffs assert three California statutory claims and three common law claims apparently brought under the laws of all 50 states. Plaintiffs challenge statements purportedly made

about six different products and various product accessories. As a result, the requested 14-day extension will provide Defendant with adequate time to answer, and it will not unduly delay these proceedings. The extension is not sought for delay but so the ends of justice may be served.

This is the first request for an extension of time for Defendant to answer the Complaint. Plaintiffs do *not* oppose the relief requested herein.

Accordingly, Defendant respectfully requests that the Court grant this unopposed motion and extend Defendant's deadline to answer until May 18, 2023.

Dated: April 24, 2023

Respectfully Submitted,

/s/ Ronald W. Breaux
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Counsel for Defendant

CERTIFICATE OF CONFERENCE

I hereby certify that on April 11, 2023, counsel for the parties conferred regarding the foregoing motion and Plaintiffs' counsel stated that Plaintiffs do not oppose the relief requested herein.

/s/ Ronald W. Breaux
Ronald W. Breaux

CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2023, the foregoing document was served on all counsel of record via the Court's electronic filing system.

/s/ Ronald W. Breaux

Ronald W. Breaux